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APPROVED:

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ILAN GRAFF ANDREW D. BEATY
Assistant United States Attorneys

BEFORE: THE HONORABLE JAMES C. FRANCIS IV
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA :
-----x

- v. -
CHENG LE,
a/k/a "William Lee,"
a/k/a "Daniel Chunn,"
a/k/a "Steven Phanatasio,"

Defendant.
-----x

SOUTHERN DISTRICT OF NEW YORK, ss.:
James Cunningham

~~SARAH WOOD~~, being duly sworn, deposes and says that she is a Special Agent of the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

(Attempted Acquisition of a Biological Toxin)

1. From at least in or about December 3, 2014, up to and including on or about December 23, 2014, CHENG LE, a/k/a "William Lee," a/k/a "Daniel Chunn," a/k/a "Steve Phanatasio," the defendant, and others known and unknown, knowingly did attempt to develop, produce, stockpile, transfer, acquire, retain, and possess a biological toxin, to wit, ricin, for use as a weapon.

(Title 18, United States Code, 175(a) & 2.)

The bases for my knowledge and the foregoing charges are as follows:

2. I have been an FBI Special Agent since ~~2005~~. I am currently assigned to the FBI's New York Field Office, where I am assigned to a squad that, among other things, investigates the illegal possession and use of hazardous biological and chemical substances. During my tenure as a Special Agent with the FBI, I have conducted and participated in numerous investigations of criminal activity, including cases involving illegal possession and transportation of hazardous biological and chemical substances and cases involving efforts to obtain such substances via the



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Internet.

Ricin and the “Dark Web”

3. Based on my training and experience, I know that ricin is a highly potent and potentially fatal toxin with no known antidote. Ricin is classified as a biological select agent and toxin under 42 C.F.R. § 73.3, due to, among other things, its potential to pose a severe threat to public health.

4. Based on my training and experience, I am familiar with the “Dark Web,” a colloquial name for a number of extensive, sophisticated, and widely used criminal marketplaces operating on the Internet, which allow participants to buy and sell illegal items, such as drugs, firearms, and other hazardous materials, including such biological toxins as ricin. These online black market websites use a variety of technologies, including the Tor network¹ and other encryption technologies, to ensure that communications and transactions are shielded from interception and monitoring.

The Investigation

5. In or about mid-2014, an FBI online covert employee (the “OCE”) assumed an online Dark-Web identity, which had previously been used by a trafficker in illicit materials, including, among other things, biological toxins.

Early December 2014: the Ricin Buyer Contacts the OCE

6. On or about December 3, 2014, an online user (the “Ricin Buyer”) contacted the OCE on a particular Dark Web marketplace (“Black Market-1”) using an encrypted messaging service to inquire whether the OCE could supply the Ricin Buyer with ricin. Between December 3, 2014, and December 19, 2014, the OCE and the Ricin Buyer exchanged more than twenty encrypted messages. I have personally reviewed these communications, and know that they included the following:

a. December 3, 2014, at 16:57 UTC (the Ricin Buyer to OCE)

Anyways, this might sound blunt but do you sell ricin? I was just searching for it on [Black Market-1] and several of your custom listings popped up.

¹ The Tor network (“Tor”) is a special network of computers on the Internet, distributed around the world, that is designed to conceal the true Internet Protocol (“IP”) addresses of the computers accessing the network, and, thereby, the locations and identities of the network’s users. Tor likewise enables websites to operate on the network in a way that conceals the true IP addresses of the computer servers hosting the websites, which are referred to as “hidden services” on the Tor network. Such “hidden services” operating on Tor have complex web addresses, generated by a computer algorithm, ending in “.onion” and can only be accessed through specific web browser software designed to access the Tor network.

fnu²

b. December 3, 2014, at 21:53 UTC (OCE to the Ricin Buyer)

... yeah, I sell ricin in a liquid solution or powder on a custom application for \$200US per lethal dose. You will have a two week inspection period so you can test the product before auto finalize. I am busy as shit right now with orders, how quickly do you need a shipment?

c. December 3, 2014, at 21:59 UTC (the Ricin Buyer to OCE)

It's kinda hard to inspect that isn't it? LOL. If it's good quality, I've already had buyers lining up. So ASAP would be great.

How much liquid is it per dose? And do you have any recommendation for administering the dose? Also, lethal dose of ricin is vastly different for ingestion and IV. By \$200 per lethal dose, you mean lethal dose for ingestion or injection?

Injection can be difficult to pull off. Ricin doesn't work immediately. You wouldn't expect the target to not fight back after being jabbed.

d. December 3, 2014, at 23:09 UTC (OCE to the Ricin Buyer)

fnu, you know your shit . . . The symptoms will occur in a few days with intended results after one week. This is not just crush beans, it is processed, filtered, and purified for high quality. I have two liquid doses left, more in about a week. How many doses are you wanting? What about shipping, US or intl

e. December 4, 2014, at 00:32 UTC (the Ricin Buyer to OCE)

Shipping is US. I can handle International myself. For now, I think 3 to 5 lethal dose would be enough. I can wait one week no problem. The client may wanna discuss certain details of operations with you and ask for your professional opinion. Would you be able to help? Like explaining to them how death would end up looking like under forensic examination. Will it look like some heart attack? Organ failure? etc.

fnu

f. December 4, 2014, at 02:46 UTC (OCE to the Ricin Buyer)

yeah no problem. I should have that number of doses available next week. If the client wants to message any questions we can discuss details and answer questions. I have a lot of experience with different applicaitons. My email is [a particular email address].

² Based on my training and experience, I know that "FNU" is a common acronym for "First Name Unknown."

g. December 4, 2014, at 10:17 UTC (the Ricin Buyer to OCE)

... The client would like to know beforehand if it is wise to use ricin on someone who is hospitalized. You know. Injection will leave needle holes on the body which could be found in regular forensic examination. But hospitalized people already have needles in them so it wouldn't be suspicious. Thing is, would ricin make the death look like someone succumbed to the injuries after an accident and didn't make it through? In that case then, a little anesthetical gas in the target's car, get him drowsy when driving, get into an accident, and then kill him in the hospital bed.

fnu

h. December 5, 2014, at 23:47 UTC (OCE to the Ricin Buyer)

This is difficult to answer without more details that you may not want me to know . . . too many variables to predict. How about we start with target weight and age? I will need to know this information to calculate the dosage amount. Also any medications or drugs that might interfere with the protein like antibiotics, steroids, stuff like that. The symptoms of ricin exposure are similar to a flu, you know fever, cough, shit like that.

i. December 6, 2014, at 10:16 UTC (the Ricin Buyer to OCE)

Let's say someone middle-aged. Weight around 200lbs. Maybe a little less.

I know that ricin stops protein synthesis,³ but what exactly will the coroner's report say when they examine the body? Cause of death is a flu?

Does ricin have antidote? Last I check there isn't one, isn't it?

fnu

j. December 8, 2014, at 21:43 UTC (OCE to the Ricin Buyer)

okay, I have what I need for the order. I don't read the reports, but autopsy has never been a problem for me. This is one of the most deadly substances on the planet, dangerous as hell, no antidote. I will have your product later this week and will contact to discuss listing. You still thinking you need 3 to 5 doses?

k. December 8, 2014, at 22:56 UTC (the Ricin Buyer to OCE)

Yeah, something like that. 3 to 5 doses. Also, I might need some of the doses in capsules, like medicine. Make the powder in capsules, or press them into pills/tablets. Disguise as

³ When the Ricin Buyer wrote, "protein synthesis," I believe that the Ricin Buyer meant to refer to "protein synthesis." Based on my training and experience, I have learned that ricin's toxic effects are a function of ricin inhibiting protein synthesis.

medicine, and let the target unknowingly ingest them.

Needless to say, the amount of ricin contained should be the lethal dosage for ingestion, NOT injection. If you can make them into simple and easy death pills, they'd become bestsellers.

I probably told you this before, about mixing one and only one toxic pill into a bottle of normal pills. They all look identical. And as the target takes the medicine every day, sooner or later he'd ingest that poisonous pill and die. Even if there is a murder investigation, they won't find any more toxin. 100% Risk Free. Trick is, make sure the poisonous pill has to look exactly the same as every other pill, and make sure the ricin won't get out of the pill. Also, as a safety precaution, add some quinine in the toxic pill so that in case you need to find out which one is poisonous, you can use a blacklight to find it. But under normal circumstances, the poisonous pill won't be distinguished.

I'll be trying out new methods in the future. After all, it is death itself we're selling here, and the more risk-free, the more efficient we can make it, the better. Making it risk-free for the client is making it risk-free for ourselves. After all, the investigation power in a murder case is definitely not what a drugs case can compare to.

l. December 10, 2014, at 00:19 UTC (OCE to the Ricin Buyer)

yeah, i did this for another customer a while back. I will use 500mg capsules and fill as many as you want with ricin in separate small containers .. each capsule would be a lethal dose mixed with genuine pills. Having the poison pill viewable with a blacklight is no problem, but undetectable otherwise. I can have the pills ready next week if you want a listing⁴ let me know. Did we talk about price?

m. December 10, 2014, at 01:43 UTC (the Ricin Buyer to OCE)

Sure. If you can pan out everything like I wanted, it'd be awesome. I'm looking at something like this: [link to a website selling nutritional supplement pills in a bottle]

The bottle is like 60 capsules only. You buy a bottle, take one pill out, add ricin and quinine in it, make sure it doesn't leak, and put it back into the bottle. One and ONLY one poisonous pill per bottle. There are only 60 of them, so if it's 2 to 3 pills a day, the target will get hit within a month.

You said it's \$200 per lethal dose. But if you can get it all ready for me, I'd pay you \$100. That should cover the cost of the regular pills.

fnu

⁴ Based on my training and experience, and conversations with the OCE, I know that Black Market-1 allows users to create Tor listings, which allow for the transmission of shipment information.

n. December 12, 2014, at 16:02 UTC (OCE to the Ricin Buyer)

okay that works. i can get those pills no problem. when do you want a listing?

o. December 12, 2014, at 19:04 UTC (the Ricin Buyer to OCE)

ASAP. You don't have to rush, but it's always the sooner the better.

Also, besides that one bottle of pills with one poisonous pill in there, can you send some extra loose powder/liquid ricin? I'd like to test something. Doesn't have to be enough of a lethal dose for humans. Enough to poison some small animals will be good. Wanna try something on the rats.

fnu

p. December 16, 2014, at 20:02 UTC (OCE to the Ricin Buyer)

I'll put a listing up tomorrow, does that work. No problem on the extra powder.

q. December 16, 2014, at 21:16 UTC (the Ricin Buyer to OCE)

Sure. No problem. I have a little over 1BTC⁵ in my [Black Market-1 account] right now. That should be enough.

fnu

7. Based on my review of the above communications, and my training and experience, I believe that, between December 3, 2014 and December 16, 2014, the Ricin Buyer and the OCE discussed the possibility of the OCE supplying the Ricin Buyer with ricin, for the Ricin Buyer to resell to at least one secondary buyer. ("I've already had buyers lining up."/ "For now, I think 3 to 5 lethal dose would be enough . . . The client may wanna discuss certain details of operations with you."). During the course of these exchanges, the Ricin Buyer demonstrated substantial familiarity with ricin's toxic effects. ("You wouldn't expect the target to not fight back after being jabbed [with ricin]."/ "I know that ricin stops protein synthesis."). The Ricin Buyer also indicated that the Ricin Buyer intended to continue marketing ricin in the future and wanted a quantity of ricin with which to experiment, with an eye toward improving its effectiveness as a lethal weapon. ("I'll be trying out new methods in the future. After all, it is death itself we're selling here, and the more risk-free, the more efficient we can make it, the better."/ "[C]an you send some extra loose powder/liquid ricin? I'd like to test something.").

⁵ This appears to be a reference to one "bitcoin"—an online currency—which, as of December 20, 2014, was worth approximately \$327. Bitcoins are not illegal in and of themselves and have known legitimate uses. However, Bitcoins are also known to be used by cybercriminals for money-laundering purposes, and is the most prominent means of payment for illegal goods and services on "Dark Web" websites operating on the Tor network, given the ease with which they can be used to move money anonymously.

December 17-20, 2014: The Defendant Is Identified

8. On December 17, 2014, the OCE posted a listing for the proposed ricin sale, which the OCE transmitted to the Ricin Buyer. In the early morning hours of December 18, 2014, the OCE received an encrypted message, which indicated that the ricin package should be mailed to "Daniel Chunn" at a particular address in Manhattan. Using open source checks, I and other investigating agents determined that there was a shipping store located at that address (the "Shipping Store"), which rented postal boxes to customers.

9. Based on my conversations with another FBI agent ("Agent-1") and review of FBI reports, I have learned the following:

a. On or about the morning of December 18, 2014, Agent-1 spoke with the Shipping Store's Manager (the "Store Manager") and obtained the records associated with the Daniel Chunn postal box (the "Postal Box").

b. Based on my review of those records, I know that the Postal Box was registered in or around March 2013, by an individual named "Cheng Le," later identified as CHENG LE, the defendant, who used a credit card in his own name to pay for the Postal Box and listed a particular telephone number (the "Le Number") as a means of contacting him.

c. The Store Manager informed Agent-1 that the Postal Box's user—whom the Store Manager knew as "William Lee"—had recently been visiting the Shipping Store on almost a daily basis in order to retrieve packages. The Store Manager did not recall any other individuals accessing the Postal Box. The Store Manager subsequently reviewed a photo array, which included a photograph of CHENG LE, the defendant, and identified LE as the individual who used the Postal Box.

10. Based on my review of New York Police Department records (the "NYPD Records"), I know that the Le Number had previously been listed as the telephone number for CHENG LE, the defendant. The NYPD Records also included a photograph of LE (the "Le Photograph") and indicated that, as of 2013, LE had resided in an apartment building at a particular address, approximately two blocks from the Shipping Store (the "Le Building").

11. From my conversations with Agent-1 and my review of FBI reports, I have learned the following:

a. On or about the afternoon of December 18, 2014, Agent-1 and other law enforcement agents conducted surveillance outside the Le Building.

b. At approximately 7:00 p.m., agents conducting surveillance saw a man who appeared to be the individual depicted in the Le Photograph—and was later identified as CHENG LE, the defendant—emerge from the Le Building.

c. Agents saw LE enter the Shipping Store and emerge carrying a package (the "Package"). The agents noted that LE was wearing what appeared to be blue latex gloves.⁶

⁶ Based on my training and experience, I know that individuals handling hazardous

Agents watched as LE proceeded to a nearby post office (the "Post Office"), which was closed. LE then circled the post office and gave the Package to a postal employee standing near a rear door. When LE had left the post office he returned to the Le Building—after circling the block, in a manner which appeared to the watching law enforcement agents to reflect an attempt at counter-surveillance.

d. After LE had returned to the Le Building, Agent-1 spoke with a postal employee at the Post Office (the "Postal Employee"). The Postal Employee reported that the Postal Employee had previously seen the individual who had just dropped off a package in the Post Office on multiple occasions and that he had worn blue latex gloves in the past. The Postal Employee later picked the LE Photograph out of a photo array and identified LE as the man whom the Postal Employee had previously observed.

e. In coordination with a United States Postal Inspector, Agent-1 and other law enforcement agents confirmed that the Package did not contain any hazardous materials. However, upon closer inspection, it became clear that LE had used a fake name ("Steven Phanatasio") as the Package's return address.⁷

f. I have reviewed surveillance photographs from the Post Office, which were captured earlier on or about December 18, 2014. From my review of those photographs, I know that they depicted LE using an electronic postal kiosk while wearing blue latex gloves.

December 23, 2014: The Defendant Retrieves and Opens the "Ricin" Shipment

12. From my review of FBI reports, I know that, on or about December 18, 2014, FBI agents prepared a package for delivery to the Postal Box (the "Sham Shipment"). As discussed in the exchange between the Ricin Buyer and the OCE, see supra ¶¶ 6(m)-(o), the Sham Shipment contained a mock ricin tablet, marked with a UV solution (which, like quinine, would appear under a black light) and concealed in a pill bottle like the one identified by the Ricin Buyer (the "Pill Bottle"). It also contained a clear vial, with a mock ricin powder inside, concealed in a flashlight (the "Flash Light").

13. From my review of communications with the OCE, I have learned the following:

a. On or about December 19, 2014, the OCE sent the Ricin Buyer a message advising that the materials were being packaged and would be mailed on December 22, 2014.

b. A few hours later, the Ricin Buyer responded "Great. Did you add quinine[e] in the poisonous pill for black light check."

materials often use latex gloves to do so, so as to minimize the risk of exposure. Such gloves are also sometimes employed by those engaged in illicit activities, to ensure that they do not leave fingerprints, which might be detected and recovered by law enforcement.

⁷ Based on my training and experience, I know that individuals who ship illicit materials often use fake names to do so, in order to avoid detection by law enforcement.

c. On or about December 21, 2014, the OCE received a message from the Ricin Buyer in which the Ricin Buyer indicated that the Ricin Buyer had “seen the ricin order ha[d] been marked as shipped,” and requested a copy of the tracking number. The Ricin Buyer also urged the OCE to convert the online listing for their pending transaction to a “Private Listing,” so that it would not be viewable by other Black Market-1 users and not leave “anything indicating what the transaction is about.”⁸ The Ricin Buyer concluded the message by stating “I know that this all sounds paranoid, but hey, it’s death we’re selling here, and those kind of business attracts a LOT more investigation power than some drugs. It’s even worth than firearms. So better safe than sorry.”

d. On or about December 21, 2014, the OCE responded to the Ricin Buyer to confirm that the OCE that the ricin pill had been marked with ultraviolet materials and indicated that the OCE would send the Ricin Buyer a tracking number the following day. On or about the morning of December 22, 2014, the Ricin Buyer sent the OCE a response, which read: “Awesome. If this would actually work, we can make quite some money with this. I’m sure there are some guys who would be interested in it.”

e. On or about December 22, 2014, the OCE transmitted the tracking number to the Ricin Buyer.

14. On or about the morning of December 23, 2014, the Sham Shipment was delivered to the Shipping Store. On or about that same morning, the Store Manager called the Le Number and left a message indicating that CHENG LE, the defendant, had a package at the Shipping Store. That afternoon, LE called the Shipping Store and informed the Store Manager that he (LE) would retrieve the Sham Shipment later that day.

15. On or about the evening of December 23, 2014, I and other law enforcement agents conducted surveillance in the vicinity of the Shipping Store. Based on my conversations with a United States Postal Inspector (“USPS-1”), who was part of the surveillance team, I have learned the following:

a. At approximately 7:15 p.m. on or about December 23, 2014, USPS-1 saw CHENG LE, the defendant, enter the Shipping Store. USPS-1 watched as LE retrieved the Sham Shipment, opened the Sham Shipment, and removed the Sham Shipment’s contents from their wrapping.

b. A short time after LE entered the Shipping Store, USPS-1 observed LE walk out of the Shipping Store, discard the Sham Shipment’s box in a public trash can, and return to the Shipping Store.⁹ USPS-1 retrieved the Sham Shipment’s box and watched as LE again exited the

⁸ Based on my training and experience, and conversations with the OCE, I know that Black Market-1 allows users to create custom listings, which are only viewable by the individual to whom they are sent.

⁹ USPS-1 did not see if LE was wearing blue latex gloves. I have spoken with an FBI task force officer (“TFO-1”), who also participated in the December 23, 2014 surveillance. TFO-1 has informed me that at or about 7:18 p.m., TFO-1 saw LE walk out of the Shipping Store carrying a

Shipping Store and proceeded down the street.

16. ~~Based on my conversations with another FBI agent ("Agent 2"), I have learned the following:~~ *also, among other things,*

a. At approximately 7:45 p.m. on or about December 23, 2014, law enforcement agents entered a particular apartment in the Le Building (the "Le Apartment"), to arrest CHENG LE, the defendant, and search the Le Apartment, pursuant to a search warrant.

b. Moments after entering the Le Apartment, ~~Agent 2~~ ^I observed the Pill Bottle and the Flash Light resting on top of a pile of boxes. The Pill Bottle was open and there were multiple pill bottle tops sitting next to it. ~~Agent 2~~ ^I also observed a number of shipping boxes, as well as a box of latex gloves.

WHEREFORE, your deponent respectfully requests that CHENG LE, a/k/a "William Lee," a/k/a "Daniel Chunn," a/k/a "Steven Phanatasio," the defendant, be imprisoned, or bailed, as the case may be.

James J. Cunningham Jr.
~~Sean H. Wood~~ James J. Cunningham
Special Agent
Federal Bureau of Investigation

Sworn to before me this
24th day of December, 2014

James C. Francis IV
THE HONORABLE JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

white box (that is, the Sham Shipment's box) and wearing blue latex gloves. TFO-1 saw LE discard the white box in a public trash can and return to the Shipping Store. Approximately two minutes later, TFO-1 saw LE leave the Shipping Store, at which point LE was still wearing blue latex gloves.